HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.P.NO.5277 OF 2006

-

Between:

K.V.Subba Reddy

..... Petitioner

AND

Union of India rep by its Principal Secretary,

Home Affairs, New Delhi and 9 others.

.....Respondents

::JUDGMENT::

Counsel for the Petitioner : Sri P.V.A.Padmanabham

Counsel for Respondent Nos.1and 2 : Sri A.Rajasekhara Reddy,
Assistant Solicitor General.

Counsel for Respondent No. 3 : Government Pleader for General
Administration Department

Counsel for Respondent No. 4 : None

Dated 23/3/2006

Per Sri G.S.Singhvi, CJ

In this petition, the petitioner has prayed for issuance of a writ in the nature of mandamus to direct respondent No.2-the Election Commission of India, not to allow respondent Nos.4 to 6 to set up their candidates for the by-election in 24 Visakhapatnam (1) Assembly Constituency unless the quantified public expenditure incurred for conduct of the election on 19.2.2006 is recovered. Another prayer made by the petitioner is to issue a direction to respondents Nos.1 and 2 to ensure free and fair exercise of the right of the citizens to vote and to formulate punitive measures for reimbursement of the public exchequer from the candidates contesting the elections.

We have heard Sri P.V.A.Pamanabham, learned counsel for the petitioner and perused the record.

Although the issue raised in the petition is of some public importance, we do not consider it proper to entertain the petition at this stage because the petitioner is not shown to have approached the Election Commission of India, which has got exclusive power of supervision and control over elections in terms of Article 324 of

the Constitution of India for redressal of his grievance.

With the above observations, the writ petition is dismissed. However, liberty is given to the petitioner to move the Election Commission of India for entertaining his prayer, as mentioned in the writ petition. He shall also be free to file fresh petition or avail appropriate legal remedy, in case his representation does not receive appropriate attention within a reasonable time.

G.S.SINGHVI, CJ

Dt.23.3.2006

G.BHAVANI PRASAD,J